

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

06-CR-269-A

MICHAEL STANTON,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

As the result of defendant's plea of guilty on March 12, 2007, to Count 1 of the Indictment filed in this Court on August 22, 2006, the defendant, MICHAEL STANTON, shall forfeit to the United States the following asset pursuant to Title 21, United States Code Section 853(a) (2):

One 1999 Jeep Grand Cherokee, VIN: 1J4GW58N6XC803411 seized on or about March 30, 2006.

Pursuant to Fed. R. Crim. P. 32.2(b), this Preliminary Order of Forfeiture is final as to the defendant and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

Upon the entry of this Order, the Attorney General, through the United States Attorney's Office, is authorized to commence any

applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order.

The United States shall publish notice of the Order and its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject property.

Any person, other than the above named defendant, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and for an amendment of the order of forfeiture.

Any petition filed by a third party asserting an interest in the subject property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the subject property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the subject property, any additional facts supporting the petitioner's claim and the relief sought.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the subject property following the Court's disposition of all third party interests upon the issuance of a Final Order of Forfeiture, or, if none, following the expiration of the period for the filing of third party petitions, as provided in Title 21, United States Code, Section 853(n)(2).

The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 30 , 2007